

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18668 of 2017

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Chandrika Chaudhary, S/o Late Bhola Chaudhary, resident of Village-
Bagdaha, P.S.- Bodh Gaya, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Government of Bihar, Patna.
2. The District Magistrate, Gaya, District- Gaya.
3. The Senior Superintendent of Police, Gaya, District- Gaya.
4. The Superintendent of Excise, Gaya, District- Gaya.
5. The Assistant Excise Commissioner, Gaya, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha, GA- 1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-12-2017

This writ petition has been filed for release of a vehicle in question (Hero Honda Motorcycle) bearing registration No. BR 2J- 2053, which has been seized in connection with Sherghati P.S. Case No. 465 of 2016 due to violation of the Excise Act. The confiscation proceedings are pending and the prayer made in the writ petition is to release the vehicle in question pending finalization of the confiscation proceedings and criminal case.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings vehicles have been directed to be released by this Court on various



conditions and we see no reason to make a deviation in the present case.

Keeping in view the aforesaid, it is directed that pending finalization of the confiscation proceedings and aforesaid criminal case, the aforesaid vehicle in question shall be released to the petitioner on his furnishing Bank guarantee equivalent to the value of the motorcycle to the satisfaction of District Magistrate, Gaya within a period of one week from the date of furnishing the bank guarantee and further undertaking to produce the vehicle as and when directed by the District Magistrate, Gaya and not to alienate or deal with the vehicle in question during the pendency of the confiscation proceedings and criminal case.

With the aforesaid, the writ petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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